



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

(HL)

|               |            |             |          |                       |                     |               |
|---------------|------------|-------------|----------|-----------------------|---------------------|---------------|
| SERIAL NUMBER | 08/916,000 | FILING DATE | 08/22/97 | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. | AP ANNEX 006A |
|               |            |             |          |                       |                     |               |

HM12/0929

KNOBBE, MARTENS, OLSON & BEAR LLP  
620 NEWPORT CENTER DRIVE  
SIXTEENTH FLOOR  
NEWPORT BEACH CA 92660

|              |              |
|--------------|--------------|
| EXAMINER     |              |
| COVINGTON, R |              |
| ART UNIT     | PAPER NUMBER |
| 1612         | 12           |

DATE MAILED:

09/29/99

**NOTICE OF ABANDONMENT**

This application is abandoned in view of:

1.  Applicant's failure to respond to the Office letter, mailed 2/5/99.
2.  Applicant's letter of express abandonment which is in compliance with 37 C.F.R. 1.138.
3.  Applicant's failure to timely file the response received \_\_\_\_\_ within the period set in the Office letter.
4.  Applicant's failure to pay the required issue fee within the statutory period of 3 months from the mailing date of \_\_\_\_\_ of the Notice of Allowance.  
  
 The issue fee was received on \_\_\_\_\_.  
 The issue fee has not been received in Allowed Files Branch as of \_\_\_\_\_.

In accordance with 35 U.S.C. 151, and under the provisions of 37 C.F.R. 1.316(b), applicant(s) may petition the Commissioner to accept the delayed payment of the issue fee if the delay in payment was unavoidable. The petition must be accompanied by the issue fee, unless it has been previously submitted, in the amount specified by 37 C.F.R. 1.17(l), and a verified showing as to the causes of the delay.

If applicant(s) never received the Notice of Allowance, a petition for a new Notice of Allowance and withdrawal of the holding of abandonment may be appropriate in view of Delgar Inc. v. Schuyler, 172 U.S.P.Q. 513.

5.  Applicant's failure to timely correct the drawings and/or submit new or substitute formal drawings by \_\_\_\_\_ as required in the last Office action.  
 The corrected and/or substitute drawings were received on \_\_\_\_\_.
6.  The reason(s) below.



JOHN KIGHT  
SUPERVISORY PATENT EXAMINER  
GROUP 1200  
1600

Art Unit: 1612

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Talley et al U.S. 5,482,947 taken with Marad et al U.S. 5,380,945.

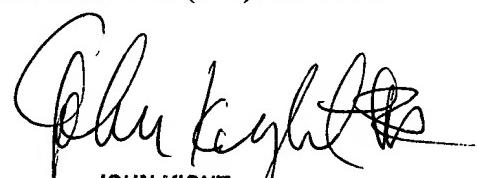
Talley et al teach compounds of the type claimed. See column 2 lines 25-50+, column 3 lines 35-49. The limitations of the reference overlap the claimed invention in such a way, e.g. at the equivalent substituents for Y, R<sup>3</sup>, R<sup>4</sup> and R<sup>5</sup>, that the would have been obvious to one of ordinary skill in the art due to their close structural relationship. This is particularly true in view of Marad et al which also teach analogous derivatives. See column 3 line 55+ and column 4 lines 1+. It is noted that the corresponding R<sup>6</sup> substituents in applicants' claimed derivatives are well-known protecting groups for use with these type compounds. See column 8 lines 3-8.

No claim is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond Covington whose telephone number is (703)308-4704.

R. Covington:jmr

Jan. 20, 1999

  
JOHN KIGHT  
SUPERVISORY PATENT EXAMINER  
GROUP 1200